

### Remarks/Arguments

Claims 1, 2, 4, and 7-9 are pending in the application. Claims 3, and 5-6 have been cancelled. Claims 1, and 7-9 have been amended. Support for the amendments to the claims can be found in the original filed claims and through out the specification. Amendment to claim 1 can be found in the specification at, e.g., page 2, 2<sup>nd</sup> and 3<sup>rd</sup> paragraph, page 3, 4<sup>th</sup> paragraph. Amendments to claims 8-9 can be found in the specification at, e.g., page 26, last paragraph. No new matter has been introduced.

#### The Enablement Rejection Under 35 U.S.C. § 112 Should Be Withdrawn

Claims 7-9 are rejected under 35 U.S.C. §112, first paragraph, for not enabling for (1) a composition comprising (a) a therapeutically effective amount of a ZAP-70, FAK or Syk inhibitor and (b) a second drug substance; (2) a method for treating diseases other than breast cancer; and (3) a method for preventing a disease in which ZAP-70, FAK or Syk tyrosine inhibitor activation plays a role or is implicated.

Applicants respectfully submit that claim 7 has been amended to be dependent of claim 1. Thus, the scope of the claim is well defined, and enabled by the instant application.

Applicants respectfully disagree with the Examiner regarding lack of enablement for treating diseases other than breast cancer, or preventing a disease in which ZAP-70, FAK or Syk tyrosine inhibitor activation plays a role or is implicated. However, merely to expedite prosecution, Applicants have amended claims 8 and 9 to recite specific diseases, and cancel the "preventing" language. Applicants reserve the rights to pursue the cancelled subject matter in a related application. Applicants believe that the claims as amended are fully enabled by the instant application.

In view of foregoing, Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph be withdrawn.

#### Rejections Under 35 U.S.C. §112, Second Paragraph, Should Be Withdrawn

Claims 1-4 and 7-9 are rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Particularly, the Examiner states that (1) in claim 1, the term "comprising" is open ended, leaves the claim open for the inclusion of unspecified groups and/or substituents; (2) the term "heteroaryl residue" in claim 1 does not set forth the metes and bounds of the groups intended, and suggested to replace with "heteroaryl group"; (3) claim 3 does not set forth any steps involved in the method/process; and (4) claims 7 and claim 9 do not provide which compounds are intended to be the "ZAP-70, FAK and/or Syk inhibitors".

Applicants respectfully submit that claims 1, 7 and 9 have been amended, and claim 3 has been cancelled. As amended, claim 1 no longer recites "comprising", and heteroaryl residue has been replaced with "heteroaryl group" as the Examiner suggested. Claims 7 and 9 have been amended to be dependent on claim 1. As such, the rejections under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, should be withdrawn.

**Rejection Under 35 U.S.C. §101 Should Be Withdrawn**

Claim 3 is rejected under 35 U.S.C. §101 for recitation of a use without setting forth any steps in the process, which results in an improper definition of a process.

Claim 3 has been cancelled without prejudice. Accordingly, this rejection should be withdrawn.

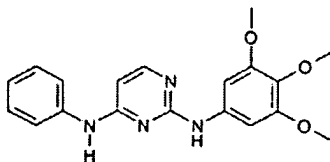
**Rejections Under 35 U.S.C. §102 Should Be Withdrawn**

Claims 1-4 and 7-9 are rejected under 35 U.S.C. §102(b) as being anticipated by Pease et al., WO 01/64654 ("Pease"). Specifically, the Examiner contends that the instant claims read on reference disclosed compounds, *i.e.*, compounds of structural formula (I) in page 2 and the corresponding species of Examples 7, 19.

Applicants respectfully disagree. Pease teaches a structure which carries a sulfonamide group on the different phenyl ring in a compound of formula (I), *i.e.* on the phenyl ring which carries substituents R7, R8, R9 of the instant application. Therefore, a construction as required in claim 1 of the instant application, as amended, is not taught by Pease.

Claims 1-4 and 7-9 are also rejected under 35 U.S.C. §102(b) as being anticipated by Davis et al., U.S. Patent No. 5,958,935 ("Davis"). Specifically, the Examiner contends that the instant claims read on reference disclosed compounds, *i.e.*, compounds of structural formula (I) in col. 1 and the corresponding species of Examples 89 and 91.

Applicants respectfully disagree. Davis teaches that the substituent at N4 (the amino group attached in position 4 of the pyrimidin ring) is a phenyl ring that does not contain -CON(R10)R11 or -SO2N(R10)R11, which is required by the instant claim 1 as amended. Specifically, example 89 of page 50 teaches a molecule that has the following structure:



which is different from the instant claimed invention since it does neither contain -CON(R10)R11 nor -SO2N(R10)R11.

In view of the foregoing, Applicants respectfully request the rejections under 35 U.S.C. §102(b) be withdrawn.

**Duplicate Claims**

The Examiner has indicated that should claim 1 be found allowable, claim 3 will be objected to under 37 C.F.R. 1.75 as being a substantial duplicate claim of claim 1.

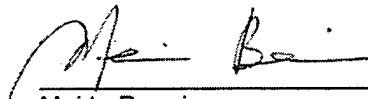
Claim 3 has been cancelled without prejudice. As such, this objection is moot.

**CONCLUSION**

Applicants respectfully request that the amendments and remarks made herein be entered and made of record in the file history of the present application. Withdrawal of the Examiner's rejection and a notice of allowance are requested. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

Novartis Institutes for BioMedical Research, Inc.  
400 Technology Square  
Cambridge, MA 02139  
(617) 871-3027



Mei L. Benni  
Attorney for Applicants  
Reg. No. 45,470

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